



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120

IN REPLY PLEASE
REFER TO OUR FILE
A-2024-3052232

March 21, 2025

TO ALL PARTIES OF RECORD

Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the at grade crossing where Lake Road West (T-549) (DOT 534 646 S) crosses track of East Penn Railroad, LLC, in London Grove Township, Chester County by the installation of new automatically operated flashing-light warning devices and new crossing surface, all in accordance with the Federal Grade Crossing Program and the allocation of costs incident thereto.

To Whom It May Concern:

This matter is before us by reason of an application filed with the Commission on November 21, 2024, by the Department of Transportation of the Commonwealth of Pennsylvania (Department) seeking Commission approval to alter the public at-grade crossing (DOT 534 646 S) where Lake Road West (T-549) crosses, at grade, a single track of East Penn Railroad, LLC (East Penn Railroad) in London Grove Township, Chester County.

A field investigation and conference was arranged by a Commission staff engineer and held on January 8, 2025, at the site of the subject crossing. Representatives of the Department and East Penn Railroad were in attendance. Although notified by letter dated December 18, 2024, sent by electronic mail, there were no representatives of the Chester County Planning Commission, West Grove Borough, Comcast Cable Communications, Crown Castle Fiber, Chester Water Authority, Everstream Solutions, LLC, London Grove Township Municipal Authority, London Grove Township, Peco Energy Company, Verizon Pennsylvania, LLC or United Fiber Data in attendance at the field conference.

At the field conference, it was noted that Lake Road West (T-549) is a paved, two (2) lane, bi-directional local roadway that crosses, at grade, a single track of East Penn Railroad (DOT 534 646 S). The crossing has an asphalt crossing surface and is equipped with crossbucks (R15-1), yield signs (R1-2) and emergency notification signs. There were no stop lines, advanced warning signs or pavement markings observed on the approaches to the crossing. London Grove Township will be directed to install the necessary stop lines, advanced warning signs and pavement markings, at its sole cost and expense.

East Penn Railroad described the proposed alterations to the crossing which includes the installation of flashing light signals and a new crossing surface. Signal #1, located on the western side of the crossing, will consist of an automatically operated post mounted flashing light signal having two sets of roundels and a bell. A service bungalow will also be installed on the western side of the crossing, located on the opposite side of the crossing as the proposed signal. Signal #2, located on the eastern side of the crossing, will also be an automatically operated post mounted flashing light signal having two sets of roundels with an attached jury arm having an additional two (2) sets of LED roundels. A new asphalt crossing surface will also be installed to replace the existing in kind. All work will be performed in accordance with the final plans entitled "LAKE ROAD WEST DOT # 534 646S MP. 39.94 AVONDALE, CHESTER COUNTY, PA" consisting of seven (7) sheets, attached to the subject application.

A full detour will be required for the proposed crossing surface replacement for a maximum of 5 days.

No party in attendance at the field conference objected to the proposed improvements as discussed. East Penn Railroad agrees to do all of the work to the crossing as outlined above at the Department's sole cost and expense. The project will be funded through the Federal Highway Grade Crossing Safety Program disbursed through the Department with an estimated project cost of approximately \$334, 010.00.

It could not be determined if any facilities of any non-carrier public utility will be affected by the alteration of the crossing. If necessary, non-carrier public utilities will relocate their facilities at their initial cost and expense.

The Commission hereby establishes its jurisdictional limit at the subject public crossing as the areas within the confines of the railroad right-of-way and the highway right-of-way.

Upon full consideration of the matters involved and inasmuch as no objection has been filed with the Commission, we find that a Secretarial Letter can be issued approving the application without a formal hearing.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that the alteration of the crossing is necessary and proper for the service, accommodation, convenience, or safety of the public.

The application of Department of Transportation of the Commonwealth of Pennsylvania is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to alter the at-grade crossing as herein directed where Lake Road West (T-549) crosses a single track of East Penn Railroad, LLC in London Grove Township, Chester County, in accordance with the Federal Grade Crossing Program, be and is hereby approved to the extent provided herein.

3. The crossing where Lake Road West crosses, at grade, a single track of East Penn Railroad, LLC (DOT 534 646 S) in London Grove Township, Chester County be altered in accordance with the situation and circuitry plans entitled: "LAKE ROAD WEST DOT # 534 646S MP. 39.94 AVONDALE, CHESTER COUNTY, PA" consisting of seven (7) sheets submitted to the Commission with the application on November 21, 2024, which plans are made part hereof and is hereby approved except insofar as they may relate to the division of work, deletion of work, or the allocation of costs and expenses incident to the installation of the project.

4. East Penn Railroad, LLC, at the sole cost and expense of the Department of Transportation of the Commonwealth of Pennsylvania perform all work necessary to install a post mounted warning device with a bell and a post mounted warning device with a jury arm attachment, bungalow, updated circuitry and any ancillary features at the site of the at-grade crossing (DOT 534 646 S) along Lake Road West (T-549) in accordance with the application and the approved plans.

5. East Penn Railroad, LLC, at the sole cost and expense of the Department of Transportation of the Commonwealth of Pennsylvania perform all work necessary to replace the existing asphalt crossing surface in kind with a new asphalt crossing surface.

6. London Grove Township, at its sole cost and expense, perform all work necessary to install advance warning signs (W10-1), pavement markings and stop lines on the approaches to the crossing along Lake Wood Road West (T-549) in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter.

7. East Penn Railroad, LLC, at its sole cost and expense of the Department of Transportation of the Commonwealth of Pennsylvania, furnish all material and perform all work necessary to establish and maintain any detours or traffic controls at the subject crossing, that may be required to properly and safely accommodate highway and pedestrian traffic during the time the crossing is being altered.

8. East Penn Railroad, LLC, at its sole cost and expense, furnish and maintain watchmen, flagmen and/or inspectors that may be deemed necessary to protect and safeguard its railroad operations or facilities during the time the facilities are being constructed.

9. East Penn Railroad, LLC pay all compensation for damages, if any, due to the owners of property taken, injured or destroyed by reason of the alteration of the crossing in accordance with this Secretarial Letter.

10. Any relocation of, changes in and/or removal of any adjacent structures, equipment or facilities of any non-carrier public utility or municipal authority, which may be required as incidental to the alteration of the crossings be made by said public utility or municipal authority at its initial cost, and in such a manner as will not interfere with the alteration of the crossings; and such relocated or altered facilities thereafter be maintained by said public utility at its sole cost and expense.

11. East Penn Railroad, LLC provide at least ten (10) days advance notice of the start of work to each party involved in this proceeding for the alteration of the crossing involved.

12. All parties involved herein cooperate fully with each other so that during the time the work is being performed, vehicular, pedestrian and railroad traffic will not be endangered or unnecessarily inconvenienced and said requirements of each of the parties will be provided for and accommodated insofar as possible.

13. All work necessary to alter the subject crossing be completed in a manner satisfactory to this Commission on or before December 31, 2026, and that on or before said date, Department of Transportation of the Commonwealth of Pennsylvania report in writing to this Commission the date of actual completion of the work.

14. All costs which are to be reimbursed by the Department of Transportation consistent with this letter shall be reimbursed pursuant to the provisions of 23 C.F.R. Parts 140 and 646. The aforesaid Federal reimbursement shall not supersede, delay or in any manner, postpone the effect of any paragraph contained in this or any related Secretarial Letter or Order.

15. Upon completion of the alteration of the subject crossing, East Penn Railroad, LLC, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its railroad facilities at the subject crossing (DOT 534 646 S), including but not limited to the post mounted flashing light signals and associated circuitry, signage, bell, service bungalow, and maintain the asphalt crossing surface in a smooth and satisfactory condition to points 24-inches beyond the outside rail, all in accordance with the approved plans, Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter; and provide London Grove Township at least (10) business days advance notice when performing any work that may affect their facilities as directed by this paragraph.

16. Upon completion of the alteration of the subject crossing, London Grove Township, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its highway approach roadway to the subject crossing to points 24-inches beyond the outermost rail and, in addition, maintain the grade crossing advance warning signs, pavement markings and stop lines, as required, on the approaches thereto, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter; and provide East Penn Railroad, LLC, at least ten (10) business days advance notice when performing any work that may affect their facilities as directed by this paragraph.

17. Upon completion of the construction of the proposed project, each non-carrier public utility company and municipal authority, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its respective facilities, existing or altered, located within the limits of the improvement.

18. Upon completion of the work herein directed, and upon written request from any party of record, this proceeding be scheduled for a hearing at a time and place to be determined by the Commission, for the purpose of taking testimony upon the final allocation of any costs incurred by any of the public utility companies and other matters relevant to this.

The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

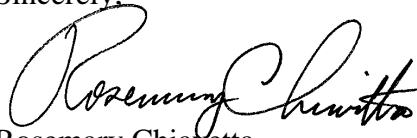
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax or by e-mail. Parties are encouraged to file formal documents by eFiling with the Secretary of the Commission by opening an Efiling account through the Commission's website (the account is free of charge) and accepting eservice at <https://www.puc.pa.gov/filing-resources/efiling/>.

If your filing contains confidential material, you are required to file by overnight delivery to ensure the timely filing of your submission. There are certain filings that cannot be eFiled, such as filings containing confidential or proprietary material. These must be submitted to the Secretary by overnight delivery, priority, or certified mail to allow tracking of your filing.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §§ 1.31 and 5.44, file a Petition for Reconsideration from Staff Action (Petition) with the Commission within twenty (20) days of the date of this letter. The Petition shall be eFiled with the Secretary of the Commission or sent to: Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120, and must be filed within twenty (20) days, or if no timely request is made, the action will be deemed to be a final action of the Commission.

The Petition MUST include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request; (2) the case docket number (it is provided for you at the top right-hand corner of this letter); (3) the party on whose behalf the petition is made; (4) a Certificate of Service on the other parties of record; and (5) a Verification with original signature in accordance with 52 Pa. Code § 1.36.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive, flowing style.

Rosemary Chiavetta
Secretary